

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ANDRAS SZANTHO, as the personal  
representative of THE ESTATE OF  
MICHEAL CAMPBELL, deceased and  
BRENDA CAMPBELL,

Plaintiffs,

v.

No. 1:14-CV-01156-LH-KK

TRISTATE CAREFLIGHT, LLC  
and MARLA HARDY,

Defendants.

**MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Plaintiffs respectfully move the Court, pursuant to Rule 15 of the Federal Rules of Civil Procedure, for leave to file an Amended Complaint. A copy of the Amended Complaint is attached as Ex. 1, pursuant to D.N.M. LR-Civ. 15.1. The First Amended Complaint adds three additional parties to this case: Theresa Akin who served on the TriState CareFlight crew that transported Mr. Campbell on January 8, 2014; Barbara Turpin-McColley who also was on the TriState CareFlight crew that transported Mr. Campbell on January 8, 2014; and Kirk Douglas Stone who was the pilot on the TriState CareFlight crew that transported Mr. Campbell on January 8, 2014.

Pursuant to Federal Rule of Civil Procedure 15(a)(2), "A party may amend its pleadings only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." The decision whether to grant leave to amend a pleading is within the sound discretion of the District Court, but as recognized, this discretion is strictly based upon the clear parameters of Rule 15 which state that leave should be freely given. Consent of opposing counsel was sought and counsel denied consent.

In this case, the time to amend pleadings has not yet lapsed and this Motion for Leave was discussed with the Court during the initial scheduling conference.

Consistent with the liberal standard that applies to motions to amend under Rule 15(a)(2), the Court should grant Plaintiffs' motion. The three persons who are added as defendants in the Amended Complaint are all important responsible parties for the actions that led to Micheal Campbell's death. All three were on the helicopter during Mr. Campbell's flight, and all three had obligations to provide reasonable care to Mr. Campbell, including oxygen. Based upon these facts, Plaintiffs request leave to add them as parties.

An additional issue that is likely not lost on the Court is that this case is in Federal Court based upon Defendants' removal. Plaintiffs have filed a Motion to Remand due to the fact that Marla Hardy is a New Mexico resident and a responsible party. Two of the three parties who are added in the Amended Complaint are also New Mexico residents. Should this Court grant the Motion to Amend, the Motion to Remand becomes even more clear.

For the reasons identified above, Plaintiffs request that the Court grant Plaintiffs' Motion for Leave to file the proposed Amended Complaint.

WHEREFORE Plaintiffs respectfully request that this Court grant Plaintiffs' Motion to Amend.

Respectfully submitted,

By: /s/ Lee R. Hunt  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 18th day of March 2015, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Lee R. Hunt  
Lee R. Hunt